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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,968	01/02/2004	Jason L. Smith		9686

7590

12/21/2005

Jason L. Smith
420 STRAFFORD AVE 3D
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EXAMINER

SCHNEIDER, CRAIG M

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3753

Non-Compliance

The amendment filed on 11/2/2005 is not in compliance with office policy.

Please refer to the MPEP Article 714 for the proper response format. There are two problems with the response. The first is in regards to the specification. When you delete items in the specification you are required to use a strike through on the items to be deleted (ex. ~~delete~~) or double brackets (ex. [[delete]]). As stated in the first noncompliance, the entire paragraph must be depicted in which the changes are being made. You do not have to submit the complete specification. The other problem is that the claims need to be restated with all the changes. You need to show that claim 1 is amended and how, which includes striking through the deleted words and underlining the added words. Claims 2-4 would remain unchanged but need to be restated and claims 5-9 are cancelled. *Claims 5-9 need to be part of the list of claims however with no text.* This needs to be done in one continuing form not in different forms as was done in your response on 11/2/05. Once again Article 714 in the MPEP addresses all of these issues (see <http://www.uspto.gov/web/offices/pac/mpep/index.html>).

Since a proper response has not been received to the letter dated 25 October 2005, the time of response is still based on this date of 25 October 2005. You were given 30 days to properly respond to the letter dated 25 October 2005, which would have been 25 November 2005. To respond by 25 December 2005 you will need to petition an extension of time of 1 month with the associated fee and a proper response.

I would also like to further direct you to form PTO/SB/22 for resubmitting this amendment (see <http://www.uspto.gov/web/forms/index.html>). You will be charged a

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fee of \$60.00 for small entity if you amendment reaches the USPTO by 12/25/2005. If the amendment is received after 12/25/05 and before 1/25/06 then the fee will be \$225.00. Please refer to the above form for more information.

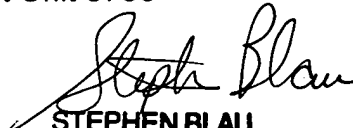
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Blau can be reached on (571) 272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
December 14, 2005


Craig Schneider
Patent Examiner
Art Unit 3753


STEPHEN BLAU
PRIMARY EXAMINER